

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF MARYLAND  
3           MELVIN NEWSOME, et al.       \*       CIVIL ACTION S01-2257  
4                   Plaintiffs                   \*  
5                   vs.                               Baltimore, Maryland  
6   \*  
7           UP-TO-DATE LAUNDRY, INC,       \*       March 26, 2003  
8                   et al.                               \*  
9                               Defendants                   \*       \*       \*  
10                               \*       \*       \*       \*       \*  
11                   Deposition of MELVIN NEWSOME, a witness of  
12                   lawful age, taken on behalf of the Defendants in the  
13                   above-entitled cause, pending in the District Court of  
14                   the United States for the District of Maryland, before  
15                   Dawn L. Venker, a Notary Public in and for Baltimore  
16                   County, Maryland, at 7 St. Paul Street, 15th Floor,  
17                   Baltimore, Maryland 21202, on 26th day of March, 2003.  
18                               \*       \*       \*       \*       \*  
19           APPEARANCES:  
20  
21                   PHILIP SIMON, Esquire  
                             For the Plaintiffs  
                             JEANNE M. PHELAN, Esquire  
                             For the Defendants  
ALSO PRESENT:   BRAD MINETREE  
  
Reported By:   Dawn L. Venker

TOWSON REPORTING COMPANY  
(410) 828-4148

1 Q Why do you say that?

2 A Well, I was approached one day in May by  
3 Ms. Nancy after the hearing, and I gave out some  
4 literature -- open letter to Latinos to verbalize so we  
5 could reach them as well because they basically didn't  
6 speak that much English. We didn't have a rapport with  
7 them.

8 We had an open letter in Spanish and  
9 English explaining which twenty-eight African-Americans  
10 signed it to let them that were not afraid from  
11 repercussions, etcetera, from the company. We gave  
12 them that letter.

13 And Ms. Nancy approached me that same day  
14 because I give them out during my lunchtime. She came  
15 to me after lunch and said I could do anything I wanted  
16 to for those people, but not on her property.

17 Her son Dave at same time verbalized to me  
18 if I wanted to keep my job, I should stop trying to  
19 cause problems or trouble he said exactly.

20 Q Did you have anything to say to Nancy after  
21 she said, "You can do anything you want with these

1 stuff like that.

2 Q Had you made attempts yourself to talk to  
3 the Spanish employees?

4 A Yes.

5 Q Do you know which ones?

6 A No.

7 Q You indicate in the affidavit you told the  
8 union people we needed to hand out literature written  
9 in Spanish so that the Latinos could understand it  
10 better.

11 A Yes.

12 Q Did you do that?

13 A Yes.

14 Q And that it indicates about three -- two or  
15 three weeks after the hearing in late May, "I got  
16 literature in Spanish and gave it to a group of five  
17 Latinos." Did that happen?

18 A It was in May, yes.

19 Q What literature was it that you got in  
20 Spanish?

21 A It was the open letter just airing

1 concerns, asking questions about discrimination,  
2 harassment, low pay, wage, etcetera. Basically just,  
3 you know, to let them know that we all have the same  
4 plight. It's no different. We are not trying to take  
5 your jobs or anything. We just basically have the same  
6 concerns. We want to know if you do. Something like  
7 that.

8 Q So it is your recollection there was no  
9 literature in Spanish other than the open letter?

10 A They may have some Spanish fliers  
11 afterwards, but I'm just talking about the open letter.  
12 Before then, no, there was no literature that I know.

13 Q How did the open letter come about?

14 A We were at one of the gatherings that the  
15 union people had set up to interview some people to  
16 file their grievances, and after attending the hearing,  
17 I was basically saying that you couldn't -- we couldn't  
18 have any conversation with the Latinos if we didn't  
19 have anything written in Spanish.

20 So they decided -- we decided at the same  
21 time we would take on our so called concerns, and we

1           Q       Mr. Newsome, this morning you mentioned  
2       that people who worked in the soil room didn't get  
3       gloves or masks.

4           A       They didn't have them when I was there.  
5       They had people like Mike Ashley who was supposed to  
6       be -- I guess he was one of the supervisors for that  
7       shift. He was working without gloves. Keith Spriggs,  
8       he works without them occasionally.

9                   When soil came across there, such as fecal  
10      matter, and the diapers and blood clothes coming across  
11      there, they were basically using their hands. I was  
12      like -- I was getting plastic gloves until they ran  
13      out.

14                  Then after we started talking about it,  
15      they got some different gloves. I guess some of them  
16      were tearing up. They gave some cloth gloves one time  
17      with them little blocks dots and stuff on them. When  
18      you got soil that was wet, it would seep through the  
19      gloves. I used to put the plastic ones under the cloth  
20      ones because the cloth ones would get wet, and you  
21      would still have the urine and all that soaked into the

1 MR. SIMON: Objection. Asked and answered.  
2 He already answered the same question. Go ahead and  
3 answer it.

4 A No. I'm not aware.

5 Q Do you recall if you had any discussion  
6 with anyone regarding this warning notice, Exhibit 4?

7 A No.

8 Q No, you are not aware, or no, you had no  
9 discussion?

10 A No, I'm not aware that I had a discussion.

11 Q In your complaint, you allege that you  
12 heard managers at Up-To-Date make racial comments.

13 A Yes.

14 Q Tell me what you heard.

15 A I heard Brad say over on Frederick Avenue  
16 when they had the fire and people ran to get the fire  
17 extinguisher, he said, "Don't you dumb niggers know how  
18 to work a fire extinguisher?"

19 Q Do you remember when that was?

20 A It was on the day that they had the fire on  
21 or around -- I don't know exactly the date, but I know

1 they had a fire in the plant. That was the one where I  
2 worked that same evening till four o'clock in the  
3 evening -- till four o'clock the next morning.

4 Q Were you present when Brad said this?

5 A Yes.

6 Q Where was the tire?

7 A Fire was on the dryer closest to the  
8 entrance of the plant.

9 Q Who was there other than yourself?

10 A Dave and all other employees that worked on  
11 that shift that day. The evening shift.

12 Q Who was operating the dryer?

13 A Some Latinos that were doing the operation  
14 of the dryers. I don't know their names or anything.

15 Q And tell me what you saw.

16 A I saw -- I was on my machine pulling boxes,  
17 and we saw smoke on top of the dryer. And we heard  
18 people talking about, "Go get a fire extinguisher. Go  
19 get a fire extinguisher." So they ran, and they got  
20 about one -- they ended up with two fire extinguishers.  
21 Neither one of them had anything in them or didn't

1           A       You mean say anything racial that was  
2     discriminating? I think that is your question, right?

3           Q       (MS. PHELAN) Yeah.

4           A       No. I don't think so. No.

5           Q       Did you ever hear him use the word nigger?

6           A       No.

7           Q       How about Nancy? Did you ever hear her say  
8     anything that you thought was racial?

9           A       No. No. No. No. I didn't hear her say  
10    anything. No. Not Ms. Nancy.

11          Q       Did you ever hear her say anything that you  
12    thought was discriminatory?

13          A       No. Oh, wait a minute. In one of our  
14    conversations, she said to me -- in the office, she  
15    said, "You know half these people don't deserve the  
16    money we give them." That's when she was talking to me  
17    about my six days working and my raise. She also  
18    said -- I'm trying to remember who she said that. She  
19    made a statement when she said, "All those people like  
20    to do is get drunk and use drugs."

21          Q       This is in a conversation about the \$6?



1     could be a male too if you are homosexual or you  
2     bisexual or whatever. Basically you're doing sexual  
3     things or indicating sexual -- you want sexual favors  
4     or whatever, but it is about sexual things.

5           Q       Did you ever observe Brad involved in any  
6     conduct like that with anyone other than this person  
7     named Celeste?

8           A       No.

9           Q       How about David? Did you ever observe  
10    David involved in that kind of conduct?

11          A       Yes. One day we, were on the line in the  
12    new plant, and Keith Spriggs girlfriend, Michelle, she  
13    was behind us. We had boxes pushed up to us that we  
14    were supposed -- hospitals that we are supposed to do.  
15    Each person had a number of boxes behind them. Dave  
16    and Michelle were behind us, and all of a sudden you  
17    didn't see Michelle's head. We just saw her hands on  
18    the boxes. I looked back, and David was acting as if  
19    he was having sex with her from the rear.

20                   I spoke to Keith Spriggs about it. I said,  
21    "Man, don't you see Dave acting like he is having sex

1 with your girl," and he made a statement to me, "That's  
2 the way they play."

3 Q What happened after that?

4 A The guys on the line -- we made a comment,  
5 "You must be crazy to let a white guy do your girl like  
6 that. If that was us, we would tear his little ass  
7 up." That's what they said, but Keith said it's just  
8 the way they play. Nothing happened. They were  
9 laughing about it. So we left it alone. That is his  
10 girl.

11 Q Did you ever observe David engage in any  
12 other conduct that you thought was sexual harassment?

13 A I've seen them play with -- acting as if he  
14 was playing with someone. Run up behind them. I don't  
15 know if it was Joseph Lloyd. I think Joseph Lloyd was  
16 doing something, and Dave ran up behind him and acted  
17 as if he was going to have sex with him from the back.  
18 I was like -- I was like, "Oh, he must be" -- it was  
19 just, I don't know, beyond my concept that he would do  
20 that. I was like is he gay or something like that.  
21 Joseph told him go ahead and stop, or something like